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THE COVENANT OF THE LEAGUE OF NATIONS, AMERICAN FOREIGN POLICY AND THE WASHINGTON CONFERENCE

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I. GENERAL NATURE OF THE COVENANT OF THE LEAGUE OF NATIONS

In all essential preventive measures, the international society which has been designed in the Covenant for a League of Nations falls short of the minimum which liberals have been asking for. Its membership is not universal; its council or parliament is not democratically constituted; its administrative agencies are conceived in terms too close to the tradition of diplomacy. Even its remedial measures, the measures for the adjudication of disputes after they have arisen without resort to war, are of the smallest possible scope which is compatible with the purpose they are intended to serve. On the other hand, a number of general principles are laid down, purely permissive in character, which are altogether in the spirit of adequate international coöperation and which would give a legal sanction to such coöperation once it were undertaken. Such principles are the mutuality of guaranties of political and territorial integrity, the prohibition of special alliances or ententes contrary to the constitution of the league, the principles of the equality of economic opportunity, of the rights of labor, and of the rights of undeveloped peoples. The sanctions for both the permissive and prescriptive articles of the League are, furthermore, primarily economic. It is a pity that the basis of common constructive enterprise is not also primarily economic.

All in all, the constitution prepared by the Commission of the Inter-Allied Peace Conference has far more the charac-

ter of a promise than of an achievement. It continues as, in view of the condition of four-fifths of the world in which it had to begin, a blank check on the future, a promissory note, not cash in hand. Its value, therefore, will depend greatly on the men chosen to apply its principles and on the spirit in which they operate rather than on anything intrinsic in itself. It is of paramount importance that the manner and conditions under which these men are chosen shall be surrounded with safeguards. Had this been possible with respect to the delegates to the interallied conference itself, the peace-treaty would have been drawn and signed soon instead of late, its character would have been equitable, and the constitution or a League of Nations which it included have been far more realistic, liberal and constructive, and ahead in operation at points where it matters much, not at points where it matters little or not at all.

As the situation stands, the wonder is that so satisfactory a document was at all possible as the "unanimous decision" of the representatives of fourteen powers. These representatives were, almost without exception, diplomats of the old school. The association of some of them with secret treaties, financial imperialism and war-breeding rivalries is notorious. However ardent might be their desire to avoid war in the future, their wish and instruction in the present to serve the special interests of their respective countries at the cost of justice and fair play was not less ardent. Their thinking and acting was governed by the consideration of these interests, which made of them a unit over against the more disinterested and liberal powers. Thus France with her protégé, reactionary Poland, Italy, Japan, Belgium, Greece and Rumania, could hardly have helped standing as a unit against the United States, Great Britain, China, Serbia, Brazil, Portugal and Czechoslovakia. Most of the prescriptive articles of the Covenant are in form and content clearly enough compromises between these oppositions.

They could involve, consequently, only a minimum in the direction of international regulation and control. And

with equal consequence they could not avoid the sinister implications of a robbers' peace if the spoilsmen should, as they did, get their way in the matter of the treatment of Germany and her Allies, of the Jugo-Slavs, and of the Lithuanians, Jews and Ruthenians over against the Poles. The mutual guaranty of political independence and territorial integrity then became the guaranty of a colossal injustice to develop into rebellion and war in the shortest possible time. It remains to be seen whether the spoilsmen must continue to have their way. For the sake of the peace and the freedom of the world liberals must, in any event, take the chance, for in most ways, there is no other, short of world-wide revolution.

Another logical consequence of the conditions under which the constitution was drafted and of the character and vocation of its drafters was that it had to follow the line of least resistance. That line is the line of political precedent, the line of traditional diplomatic effort toward the adjudication of international quarrels. Substantially, the document is a timid document. It only glances at the conditions laid bare and the instrumentalities created by the war. Its full concentration is on the precedents established by the Hague Conference and existing treaties of arbitration. In effect, it takes with reference to those *only the next step*, the step already contemplated at the Hague, the step which would have been taken within the next few years whether a war had intervened or not. It merely requires for disputes the resort to arbitration as prior to the resort to war. Critics to the contrary notwithstanding, it is unnecessarily tender and cautious about national sovereignties. The limitation it sets upon them can not in any but a disingenuous interpretation be construed as being greater than the limitations set by treaties already existing. Those who honestly or otherwise base their opposition to the entry of the United States into the League of Nations created by this constitution or into any other League of Nations on the menace to sovereignty are either unaware of these facts or wilfully ignore them, and they totally disregard the new international conditions upon which the national prosperity of the United States depends.

II. THE COVENANT AND HISTORIC PRECEDENTS IN AMERICAN FOREIGN POLICY

1. *Guaranties under treaties*

Every treaty, to become operative, requires the consent of the Senate. The treaty establishing the League of Nations similarly requires its consent.

1. By accepting it the Senate binds the United States to consider the advice of the Council of the League of Nations concerning the limitations of armament: by the treaty of 1817 with Great Britain the Senate bound the United States to complete disarmament on the Great Lakes. That treaty has been in force a hundred years. An agreement reached by the forthcoming disarmament conference would be equally coercive, and far more so, than the article *ad hoc* in the Covenant of the League.

2. By treaties made in 1846, 1906, 1916, the Senate bound the United States to guarantee the "territorial integrity and political independence" of New Granada, of Panama, of Haiti; the Covenant of the League of Nations, under Article X would bind the United States to extend such a guaranty to the states of the world. But this guaranty is no one-sided thing as the guaranty in the treaties mentioned. Nor is it a compulsory thing. It is mutual, and the Executive Council has to *advise* what action shall make it good: there is nothing to require the adoption of its advice. By it the collective economic and military power of the nations of the world insure the United States against external aggression, in return for American participation in the insurance of all the others. Such an insurance infinitely reduces the burden of defensive armament. It makes disarmament possible, yet because it is mutual, it does not change the relative strength of one power as against another. The alternative to such a universal mutuality of insurance is isolation and competitive arming against the whole world. For the plain citizen such an alternative is inadmissible. It is infinitely cheaper in blood and treasure to bear only a fair proportion of the international burden of keeping the peace and of self-defense, than to maintain and to carry on an absolute competitive sovereignty in terms of anarchic rivalry in arms.

2. *The Covenant and the Monroe Doctrine*

With this mutuality of insurance against external aggression there is implicated again the Monroe Doctrine. The Covenant explicitly safeguards the Doctrine, but its meaning requires examination. Concerning its origin, its import, and its real implications there appears, in spite of an ocean of words, to exist in the Senate either dense ignorance or wilful oblivion. To begin with, the Doctrine is the American reply, suggested and supported by Great Britain, to the secret pact of Verona, signed there in 1822, by the representatives of the Quadruple Alliance. The vitals of that Pact lay in the first article:

The high contracting powers being convinced that the system of representative government is equally incompatible with the monarchical principles as the maxim of the sovereignty of the people with the divine right, engage mutually, in the most solemn manner, to use all their efforts to put an end to the system of representative government in whatever country it may exist in Europe, and to prevent its being introduced in those countries where it is not yet known.

The article was in purport a declaration of war on the institutions of both Great Britain and the United States. The gage was taken up in the terms of the Monroe Doctrine.

The political system of the allied powers, President Monroe declared, is essentially different from that of America. We should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we shall not interfere. But with the governments who have declared their independence and have maintained it, and whose independence we have acknowledged, we could not view any interposition for the purpose of oppression or controlling in any other manner their destiny, by any European power, in any other light than as a manifestation of an unfriendly disposition toward the United States. . . . It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness. . . . The American continents, by the free and independent conditions which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by any European powers.

Monroe's declaration is, in short, a retort to the Pact of Verona. It is the militant confrontation of monarchism

by republicanism. It begins, with the backing of British interest and the British fleet, by making the American hemisphere "safe for democracy." It guarantees the territorial integrity and executive political independence of American States against external aggression. In the hundred years' warfare between monarchism and republicanism, a warfare which culminated with the American entry into the Great War in 1917 to make *the world* safe for democracy, republicanism has won a decisive victory. The defensive war upon monarchism initiated by Monroe has been carried on by every administration since his. Monroe, indeed, wanted in that very message to interfere in European affairs, putting into his first draft an unmistakable condemnation of French intervention against the revolution in Spain, and a "broad acknowledgment of the Greeks as an independent nation." John Quincy Adams, his Secretary of State, forced him to limit himself to an expression merely of sympathy with Greece, but such an expression was itself an interference in European affairs. A year or two later the basis of this interest was explicitly recognized in a great speech of Daniel Webster, in which he agreed that from the very nature of our institutions and the influence of our example, "our place is on the side of free institutions," wherever they may arise; and that in view of the growing economic intercourse of nations "we have as clear an interest in international law as individuals have in the laws of Society." When, in 1848, the Second French Republic was formed, we were the first to recognize it. When the movement for a federal government of free institutions began in Germany the American minister was directed by the President to proceed to the meeting of the National Assembly at Frankfort, and "there as the diplomatic representative of the United States, recognize the government of the new German confederation; provided, you shall find such a government in successful operation." Later instructions from another President emphasize the sympathy of the United States with the democratic party in the German struggle. The same President, Zachary Taylor, authorized the recognition of Kossuth's revolution-

ary government in Hungary in the event of its ability to sustain itself. When it failed, through the intervention of Russia, Congress passed a joint resolution of sympathy for Kossuth and his associates and provided that American "public vessels" should be used to convey them "to the said United States." The Austrian government protested, and Webster, who was then Secretary of State, made a sharp and undiplomatic reply. A few years later came our Civil War. Napoleon III of France, who had overthrown the Second French Republic, took advantage of our preoccupation to impose monarchism on the American continent and set up the Austrian, Maximilian, as first emperor of Mexico. Lincoln, on the other hand, directly and repeatedly invited the support and coöperation of the lovers and defenders of democracy in Europe. He got it. Without the recognition on the part of the great masses of the British workers, whose very livelihood the Civil War threatened, of the identity of the cause of freedom in America with that in Europe, the pressure of a powerful section of the English ruling class upon the British Government to recognize the Southern Confederacy would have been successful. The victory for the Union made possible a short shrift for Maximilian in Mexico, and we had our retort to Napoleon III, by being first to recognize the Third French Republic. Since then, the power and influence of the United States has been used for the encouragement and recognition of institutions similar to the American, not only in America and in Europe, but in Asia. The government of the United States was asked to participate in the Algeciras Conference. It recognized and encouraged the Chinese Republic. It declared for the "open door in China." It was the first government to greet the Russian Revolution, even if it will apparently be the last to acknowledge it as an accomplished fact. It made itself sponsor for small and oppressed people in Central Europe and in Asia Minor. Its political policy forced the destruction of the monarchical institution, not only in Germany, but in Austria-Hungary, Bulgaria and Turkey. "Making the world safe for democracy," may be called, not too cynically, of course, the culmination

of the lasting foreign policy of the United States, of which the Monroe Doctrine was the beginning. Not only is the League of Nations not incompatible with the Monroe Doctrine; it is the direct and logical outcome of the policy which that doctrine initiated. The sinister forces which have belied it by American operations in Russia and in the Caribbean are, it is to be hoped, too contrary to its spirit to endure.

There is only one sense of the Monroe Doctrine which is obnoxious to the League of Nations. But this sense of it is obnoxious also to all right and fair minded conceptions of relations between nations. This sense of it is obnoxious also to our fellow republics on the hemisphere. It has made them distrustful of the United States. It has led them to foreign policies of commercial and other alliances not to the advantage of the United States. It has been a constant source of friction between them and us; it has carried with it the constant menace of war, war which would have been inevitable when they had attained their full strength. This sense of the Monroe Doctrine is that given it by Secretary Olney in 1895 when he said "the United States is practically sovereign on this continent and its fiat is law upon the subjects to which it confines its interposition." Commercially, this absurd way of talking has been used as a rule for claiming unfair advantage in trade and investment. The countries south of the Rio Grande have been regarded and treated as a sort of "preserve" for the exporter of capital. Only since 1906 has the attempt seriously been made to destroy this conception. It began with the Third International American Congress at Rio de Janeiro, in 1906; it has developed since then through visitations, conferences, treaties of arbitration and inquiry, common action as in the case of Mexico, and the creation and operation of the Pan-American Union. Through these activities the Monroe Doctrine has in a great degree become the principle of *cooperative consultation* and action of all the American republics. This renders any danger to it from the League of Nations even more shadowy: on the contrary, it renders explicit the mutuality of insurance

which alone can make it successful and which is the essence of any working League of Nations. To a large degree, the American experience of this mutuality is in the background of the Covenant for the League of Nations.

3. Treaties of arbitration as a precedent for the Covenant

Another element of it lies in the treaties of arbitration adopted by Congress between 1914-16. Such treaties exist with Bolivia, Brazil, Chile, China, Costa Rica, Denmark, Ecuador, France, Great Britain, Guatemala, Honduras, Italy, Norway, Paraguay, Peru, Portugal, Russia, Spain, Sweden, and Uruguay. Their existence is expressly recognized in the Covenant. Their operation is provided for, but their existence and operation do not in any way affect the powers voted to Congress by the Constitution. So long as they remain in force they *are* the law of the land. Congress can of course legally abrogate them if it so chooses. But they were made in the interest of the people of the United States, and so long as they serve these interests they are not abrogated, and will not be with the Covenant for the League of Nations. Primarily its force must rest upon interest and good faith. That it is immensely in the interest of the people of the United States the American tradition indicates. That American good faith has been involved, the avowed and undenied purposes for which we entered the war make indubitable. Their repudiation has turned them into a scrap of paper, given the lie to the ideals, traditions and policies of America in foreign relations of which the Monroe Doctrine was the beginning. It has put the American Nation in the position of a hypocritical slacker before the public opinion of the world and has made us the most disliked of states.

4. George Washington's Foreign Policy and the Principles of the Covenant

Nor was the Monroe Doctrine alone the beginning. The beginning really goes back to Washington's Farewell Address. Much partial and disingenuous reference has been made to

this address by opponents of the League and its Covenant. Fair-minded people would quote it or sum it up *in toto*. It was written, it must be remembered, at the time when Europe was in universal and revolutionary war. The United States was at the same time a new, weak, small, undeveloped country, which needed most of all undisturbed peace for recuperation and growth. Washington recommended therefore the policy, strictly limited to this purpose, of taking advantage of our isolation; of refraining as consistently as possible, from getting mixed up with the "primary interests" of the Europe of that time; of not binding ourselves by "*artificial ties* in the *ordinary* vicissitudes of her politics or the *ordinary* combinations and collisions of her friendships or enmities." (The italics are the writer's.) On the other hand, he hated war and wished for its abolition. He understood the menace of armament to democracy. Against war he wrote to David Humphreys, to Rochambeau, to the Marquis de Chastellux, to Lafayette, to Jefferson. In each case, what he said might be summed up in the sentences which are part of the Farewell Address:

"Observe good faith and justice toward all nations, cultivate peace and harmony with all. . . . Harmony and a liberal intercourse with all nations are recommended by policy, humanity and interest." Against armament, such armament as must come without the League of Nations, he said in this same Address: "Overgrown military establishments are, under any form of government inauspicious to liberty, and are to be regarded as particularly hostile to republican liberty." He recognized the danger of war from the economic rivalries which are the most common causes of disputes between nations and urged Congress in 1792 to provide against it. "It would be wise," he said in words that apply preëminently to our relations with Mexico, and the Caribbean "by timely provisions, to guard against those acts of our own citizens which might tend to disturb peace with other nations, and to put ourselves in a condition to give that satisfaction to foreign nations which we may sometimes have occasion to require of them. I particularly recommend to your consideration the means of preventing

those aggressions by our citizens on the territory of other nations, and other infractions of the law of nations, which, furnishing just subject of complaint, might endanger our peace with them." And, finally, he recognized that the time would come when we should be able to hold our own and to participate in the politics of the world, "when, our institutions being firmly consolidated and working with complete success, we might safely and perhaps beneficially take part in the consultations held by foreign states for the advantage of the nations." Indeed, some competent students have shown ample evidence for holding that both Washington and Jefferson urged not isolation in itself, but freedom from entanglement in purely European matters, so that the United States might be the more free to intervene in matters of world interest and general justice to humanity.

These things are precisely what, under its constitution, the League of Nations is designed to accomplish. The United States of America is a full-grown state, the most prosperous and most powerful in the world to-day. Her institutions are fully consolidated and working, and there is no doubt of the safety and benefit Americans will derive from international consultation in the League. The tie by which Americans bind themselves therein to other nations is no "artificial" tie. It is compelled by natural forces, by the economic interdependence of mankind, by the speed and facility of communications, by the invention of swift and deadly instruments of destruction against which no country can prepare adequate defence: Paris is to-day nearer to Chicago than Boston was to Philadelphia in Washington's day, and the one is more dependent on the other than Boston was on Philadelphia in Washington's day. Nor can the League of Nations be an "ordinary" combination or alliance. It is a prohibition of, and security against, just those ordinary ones that Washington feared, and it is the means, the only effective means, which the experience and invention of men have thus far attained to for securing just those positive constructive ends Washington set for America: for cultivating peace and harmony with all

nations, for securing the maximum of disarmament compatible with national safety, for guarding against the disturbance of the peace with the other nations through the acts of her own citizens, for consulting with them "for the advantage of the nations." The Washingtonian Testament, far from ruling out the League of Nations, might, indeed, be said to prescribe it. As much might also be said of Jefferson's policy and pronouncements on these points, and Jefferson strongly seconded the Monroe Doctrine.

III. THE COVENANT AS THE POINT OF DEPARTURE FOR CONSTRUCTIVE FUTURE FOREIGN POLICY

In sum, then, the League of Nations as a principle, and the specific League constituted by the Covenant adopted unanimously by the plenary Session of the Inter-allied Peace Conference, are in complete harmony with the American tradition, with the provisions of the Constitution and the relative sovereignty of the United States. For these reasons, among others, it does not outlaw war absolutely, but it makes war very much less likely in cases of dispute. Its chief dependence is put upon political discussion and delay, upon thus mobilizing the "organized public opinion of mankind." As it stands, it does not, however, provide the machinery necessary to make this means efficacious. It meets only in a rudimentary way the liberal minimum for a League of Nations as that minimum was formulated in the Declaration of Principles of the League of Free Nations Association and in other liberal formulations. But it makes a beginning, and in the right, and inevitable, direction. The rapidity and certainty of the development of international organization in that direction depends upon the vigilance, the goodwill, and the energy of the forces of liberalism all over the world. These it unifies and mobilizes under international law. It supplies them what they never had before, a *locus standi*, a legalized point of leverage for the cause of international righteousness. The adoption of the Covenant now may accomplish very

little good. But the failure to adopt it has caused and continues to cause inestimable harm: It would set back the organization of internationalism for a hundred years.

IV. THE UNITED STATES AND THE WASHINGTON DIS- ARMAMENT CONFERENCE

Many like to look upon the coming Disarmament Conference as the final evidence of the "scrapping of the League" and the substitution of a new set of problems in international relations. No view of the question could be more fallacious and misleading than this. No state will be able through disarmament to dodge its moral obligation to face the problems of modern world politics. In order to bring about any general agreement to disarm and put it into practice, it will be necessary to face the same basic problems that confronted those who met at Paris in 1918 and which have been before the world during the controversy over the League of Nations. If theories of absolute national sovereignty, national jealousy and selfishness, unwillingness to arbitrate international disputes on vital issues, bigoted patriotism and nationalism, and unscrupulous economic imperialism continue to prevail, disarmament, even if it could be secured, would amount to little or nothing. The average civilian today is better armed than the professional soldier of the time of Napoleon. With the modern technique for manufacturing the munitions of war any great state could be admirably prepared for war within twelve months. Given the existing attitudes of mind on the part of the ruling groups in the leading modern states and the prevailing state of international relations, disarmament would constitute no guaranty whatever against war. At best, it would but lessen the slaughter during the early months of the conflict. It is necessary honestly to face the fact that the present national-state system, with its doctrines of absolute sovereignty, its disregard of the rights of other states, its national egotism, and its unrestrained economic ambitions and discriminations, is wrong-headed and anachronistic, and that

some workable form of international coöperation must be discovered and put into actual operation. In the past the United States has taken the lead in new departures looking forward to international good-will and coöperation. She is in a singularly fortunate and strategic position to take the lead at the present time, but it is necessary to realize that the problems ahead are much the same as those which have been in the foreground of international discussion during the last three years. If the same attitudes prevail in governing circles which greeted Mr. Wilson upon his return to this country in 1919 little can be hoped for from any conference on international disarmament or relations.